



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 13, 1995

Ms. Alesia L. Sanchez
Legal Assistant
Legal and Compliance, MC110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR95-610

Dear Ms. Sanchez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 33745.

The Texas Department of Insurance (the "department") received a request for any information concerning Complaint #274490, which contains allegations of violations of insurance laws against Horse Insurance Specialists, Inc. You assert that section 552.101 of the Government Code in conjunction with the informer's privilege excepts all information that identifies the complainant. We agree.

Section 552.101 of the Government Code excepts from required public disclosure information that is considered confidential by law, either Constitutional, statutory, or by judicial decision. The informer's privilege aspect of this exception applies when the informer reports violations of statutes with civil or criminal penalties to administrative officials having a duty of inspection or of law enforcement within their particular spheres. See Open Records Decision No. 515 (1988) at 2.

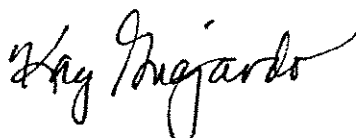
We have reviewed the documents you enclosed as a representative sample of the documents the department seeks to withhold from disclosure. We agree that the marked information identifies the complainant. We also believe that the informer's privilege applies in this case. We, therefore, conclude that the department may withhold the marked information pursuant to section 552.101 of the Government Code in conjunction with the informer's privilege.

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In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

Ref.: ID# 33745

Enclosures: Submitted documents

cc: Mr. E. W. "Butch" Human
President
Horse Insurance Specialists, Inc.
1013 South Highway 377
Pilot Point, Texas 76258
(w/o enclosures)